



US Senator Max Baucus

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TO: Chairman Genachowski
Phone
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FROM: U.S. Senator Max Baucus

DATE: 6/8/2010

SUBJECT: FCC File No. BNPEDT-20060809AJQ

TOTAL PAGES: - 1 -

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May 28, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Genachowski:

I am writing regarding the Federal Communications Commission's review of construction permit applications for the first non-commercial full power television station allotted to Kalispell, Montana. Last year, the two competing applicants submitted to the Commission a settlement agreement proposing grant of Montana State University's application (FCC File No. BNPEDT-20060809AJQ) and dismissal of the other. These applications remain pending.

A Commission decision on these applications is important to the citizens of Kalispell and the surrounding communities who continue to await the introduction of the first non-commercial full power television station to the area. I hope the Commission will give its full attention to these applications.

Thank you in advance for your time. I look forward to working with you on other matters, and I appreciate the Commission's continued dedication in the service to the public.

Sincerely,



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OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 7, 2010

The Honorable Max Baucus
United States Senate
27 North Wyoming Street
Butte, Montana 59701

Dear Senator Baucus:

Thank you for your letter regarding Montana State University's construction permit in Kalispell, Montana. I appreciate your interest in this important matter and have asked the Chief of the Media Bureau's Office of Communications and Industry Information to reply to your letter. His response is attached.

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski", written over a horizontal line.

Julius Genachowski



Federal Communications Commission
Washington, D.C. 20554

October 7, 2010

IN REPLY REFER TO:
CN-1001380

The Honorable Max Baucus
United States Senate
27 North Wyoming Street
Butte, Montana 59701

Dear Senator Baucus:

Thank you for letter regarding the status of an application to construct a new noncommercial educational television broadcast station that was filed with the Federal Communications Commission by the Board of Regents of the Montana State University ("University"). I appreciate the opportunity to update you on this matter.

In August 2006, the University submitted an application for a construction permit proposing to establish a new digital television ("DTV") broadcast station in Kalispell, Montana. At that time, the University's application was mutually exclusive (*i.e.*, only one application may be granted) with an application filed by Flathead Adventist Radio, Inc. ("Flathead"). Subsequently, as indicated in your correspondence, the University concluded a settlement agreement with Flathead and the agreement was filed with the Commission in September 2009. While the settlement agreement means that the University's application is no longer mutually exclusive, the University proposes to operate on channel 46 which is not yet assigned in the final DTV Table of Allotments and, therefore, currently is not available for use in Kalispell.

In 2004, the Commission adopted a *Report and Order* concerning the transition from analog to digital television service. Among other things, the *Report and Order* determined that only licensed stations and authorized permittees for new broadcast stations would be eligible to participate in the digital channel election process to provide television broadcasters with channels for their digital operations after completion of the transition. The University's application was pending and mutually exclusive with the Flathead application at the time the Commission adopted the final DTV Table of Allotments in 2007. Thus, because the University was not an authorized permittee when the final post-transition table was adopted, it was not eligible to participate in the digital channel election process.

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The Commission's Media Bureau currently is working to develop a recommendation regarding the review and disposition of several pending applications, such as the one submitted by the University, which propose to use television channels that have not been allotted. The Bureau staff is evaluating each of the pending applications for technical compliance and also must consider the impact that recommendations proposed in the Commission's recent National Broadband Plan concerning the reallocation and use of a portion of the television broadcast spectrum may have on the pending applications.

I hope that this information is helpful to you and the University and please do not hesitate to contact me if I may be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau